THE HON'BLE SRI JUSTICE E.DHARMA RAO

WRIT PETITION NO.17171 OF 2005

O R D E R:

This writ petition is filed for declaring the action of respondents in demolishing the portion of the petitioner bearing H.No.3-5-1000, Narayanaguda, Hyderabad without issuing any notice as illegal and contrary to the provisions of Hyderabad Municipal Corporation Act, 1955.

It is the case of the petitioner that he is a tenant in the premises bearing Municipal No.3-5-1000 situated at Narayanaguda, Hyderabad, comprising of three rooms and open yard. His father originally took the said premises on lease and they are staying in the premises for the past 75 years by paying rent regularly. The landlord of the house is also staying adjacent to the portion of the petitioner. Though the landlord initially used to issue house rent receipts, but for the past five years, he failed to issue the same for the rents that are paid by the petitioner. In the year 2000 when the landlord disconnected the common electricity connection to the house, the petitioner approached this court and on the directions issued by this Court, electricity supply was restored to the house of the petitioner. As the matter stood thus, with the active connivance of the Municipal authorities, the landlord hatched a plan to evict the petitioner from the premises. On 01.08.2005, the Municipal authorities visited the premises and orally informed the petitioner to vacate the premises as to enable the landlord to demolish the structure. As the premises occupied by the petitioner is constructed with brick walls and the same is perfectly in good condition, there is no apprehension of danger either to the structure or to the lives of the inmates. When the respondent authorities are trying to demolish the portion of the petitioner at the instance of the landlord without issuing any notice, this writ petition is filed.

As no prior notice of demolition was issued to the petitioner, without going into the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the respondents not demolish the portion of the petitioner bearing H.No.3-5-1000, situated at Narayanaguda, Hyderabad, without following the due process of law as contemplated under the provisions of Hyderabad Municipal Corporation Act, 1955.

The writ petition is accordingly disposed of at the admission stage.

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E.DHARMA RAO J.,

Dt.03.08.2005

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